

It was upon the head producing a fracture, which had not always occasioned death. Death is caused by compression or by a rupture of some of the blood-vessels. To determine positively which caused death it would be necessary to open the head. Compression of the brain may be produced by an entrapment of an internal artery, and the artery being cut will die. A depression of the skull does not necessarily produce death if it is remedied by elevating the bone.

Court's Examination.—Q. Was your witness in the circumstances previous to the death?

A. I was.

Q. Was the question asked you whether there was a fracture on the skull?

A. Yes, I told them I could not distinguish any.

Q. When you asked whether in your judgment the man had received such a injury as would produce death?

A. I was, and answered that I thought it would, I referred to the wound on the right side of the head which was the most severe.

Q. From what you saw, what in your opinion was the cause of this man's death?

A. My opinion is that the heavy blow killed him.

The witness was examined at considerable length as to the effects of blows upon different parts of the head; their appearance, examination and modes of treatment, which we are obliged to omit.

MICHAEL O'BRIEN, sworn. I was at Hallowell on St. Patrick's day, and saw the beginning of the fighting. Michael Ryan and Pat McNamey and a dozen more were there in the Powers house. The fight was commenced by John Kennedy and some Screwdriver men. They fought until the door was broken open, and then they fought in the street. I took Ryan in my arms off the ground and carried him into the Powers house. I know Hallowell and Ryan both in Ireland. I never knew of any difficulty between them before this time.

Ryan—Ryan walked part way to the Powers house, I did not see Mathew Halloran during the first fight, I did not see him at all until he was arrested. When the last fight commenced, I was in John Ryan's house back of the Livery Stable. I did not see Ryan kill.

PATRICK HALLORAN, sworn. I am a brother of the respondent, and was at Mark's house when the fight commenced. There were seven or eight boys there, Pat and Jerry McNamey, Michael Ryan, Pat Halloran, (not my brother, but another boy by the same name,) Michael O'Brien and some Screwdriver boys. A person was passing lying around in a pitcher. One says to Ryan, "he likes you better than he does me," he said he did not and they began to strike with their fists.—Ryan and the McNamey's got into a knot around the stove, and it got knocked down. The man of the house held the door, but it was broken down and they fought outside until Mr. Hyde came. He told me to go home, and I went along to the Powers house, there I found Pat McNamey and Michael Ryan and Michael O'Brien standing over him. I asked him who had beat him, he said he did not know. There was a cut on one side of his head, and the blood was running down. I did not see the last fight.

WILLIAM MARK, sworn. I was in Mark's house when the fight commenced. Michael Ryan and another fellow began to dispute about something, and they all went to quarreling. I got out as soon as I could, and went across the street to the Livery Stable. I saw three or four boys Persel. Ryan was one, they had him down, and were striking him and pulling on his hair. He looked as if badly hurt, was bloody all over. I saw Halloran come up but did not hear what was said. Persel had lost his cap in the scrapes, he and Halloran went in Powers house to get it. There was a number scuffling in front of Powers house, I saw Ryan throw a stone and hit Persel, and as soon as he threw it, Halloran struck Ryan with a club. Ryan was facing Halloran and moving towards him when he was struck. There was no fighting after that.

JULIA HALLORAN, sworn. I am the daughter of the Deaf. I was in John Powers house on St. Patrick's day, Patrick McNamey and two or three more, and my father and Persel came in. Ryan sat by the window and his head tied up with a red handkerchief, there was blood on his face. Persel went up to McNamey and took off his cap and went out with it. McNamey followed him, Persel said "this is not my cap." McNamey says, "you struck me a while ago." Persel said, "if I did, I did not know what I was doing." McNamey struck Persel and knocked him down, and father came up and put his hands on McNamey's shoulder and begged not to have any more quarreling in Hallowell that day. McNamey then knocked father down, he had father down under him. Mother was screaming for help, I did not see him strike father, he has his hands on his body. When father got up, she blood ran off his face, his shirt pleats and collar were almost off. Persel was in the room. Ryan ran out of the house with a broom-stick, when he got to the rest a man took it away from him; he then picked up a stone and threw it, father came out just then. Ryan did not have anything in his hand when father struck him.

MATTHEW HALLORAN, sworn. I was in Marks house on St. Patrick's day. Ryan and O'Brien and some men from Screwdriver were there. Ryan was passing around a ring of boys, and another man was driving some and they all got to fighting about it. Michael Starr had hold of Persel by his hair and others were striking him. (Here followed an account of the fight essentially the same as that of Julia Halloran and Michael O'Brien.)

JULIA LADEN, sworn. There were three or four persons Persel, his wife stood over him clapping her hands and asking for some one to save her husband from being killed. After a time Persel got up, Halloran came up and asked who struck him, Persel said he did not know. I did not know who had hold of Persel. Mr. Hyde and some others came along and took the names of some and they stopped fighting. I went home, but came back soon to where the last fight was. I saw Halloran and Persel talking in front of the Powers house. They went into the house and came out immediately. Persel had a cap in his hand and McNamey came after him. Persel landed the cap to McNamey a little ways from the door, Persel said, "that cap is not mine, I thought it was." McNamey said "you struck me a while ago." Persel said, "if I did, I did not know what I was about." McNamey asked him if he was able to do it, then Persel said he did not know that he was. McNamey then struck Persel and the crowd all ran there. Halloran put his hand on McNamey and said "for God's sake let us have no more fighting." McNamey then struck Halloran.

The testimony was here closed.

The most of the day was spent by the counsel in arguing the case, the defendant endeavoring to show that when Halloran struck Ryan he was taking the part of, or helping Persel; that the act was done under the excitement of the time and could be only manslaughter.

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